



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 8, 2005, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Quirk.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS None

PUBLIC COMMENTS

Barbara Heringer-Swarr reported on the recent training session that was conducted to counter military recruitment in high schools. She announced the next steering committee meeting. She also announced the next film that will be shown in Room 916 at Chabot College on Thursday evening. Lastly, she announced that on Friday, February 18, there is a debate on the topic of redevelopment at Westminster Church on Patrick Avenue.

Jason Moreno commented on a police incident and a letter from Attorney General Lockyer.

Don Wiggam Jr. reported that he has permitted a noise monitor to be installed under his house that measures overhead flights. Using a printout from that instrument, he depicted the number of flights over his house and the noise they generate. He suggested that the City provide a representative to the South Field Research Group that is studying the Oakland Airport flight patterns over Hayward. He also spoke against the proposal for a helicopter study that is on the agenda.

Council Member Ward inserted that Planning Commissioner Ed Bogue represents the City on a noise management forum and felt that his suggestion was noteworthy.

Kerry Barlow spoke on behalf of the students that were against the name change of Cal State and thanked the Council for its efforts against the renaming. She announced that in celebration of this partnership that a scholarship award in honor of Council Member Jimenez will be given to a student who demonstrates similar attributes. She advocated the renaming of Fire Station #1 and read from several letters in favor.

Tina Philips stated that she also represents students for CSUH and also commented on the honorary award as described by the previous speaker.

Mayor Cooper acknowledged that these two CSUH students were part of the contingency that attended the meeting of the Board of Regents that considered this proposal.

Council Member Quirk announced the upcoming fund raiser to benefit the Literacy Program that will be held on February 12, 2005 at the Hayward Public Library at 6 p.m.

CONSENT

1. Approval of Minutes of the City Council Meeting of February 1, 2005

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of February 1, 2005.

2. Adoption of Ordinance Related to Zone Change Application No. PL-2003-0657 for Construction at 22600, 22700, 22840, and 22885 Amador Street, Cannery Area

Staff report submitted by City Clerk Reyes, dated February 8, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Ordinance 05-01, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from High-Density Residential (RH), Commercial Office (CO) and Single-Family Residential Districts to Planned Development (PD) District Pursuant to Zone Change Application No. PL - 2003-0657"

LEGISLATIVE BUSINESS

3. Designation of Fire Stations as Safe Havens for Abandoned Infants

Staff report submitted by Fire Chief Arfsten, dated February 8, 2005, was filed.

Fire Chief Arfsten made the staff presentation, describing the 2001 Safe Haven or Newborn Abandonment Law, the program as authorized by the Alameda County Board of Supervisors on January 25th and the Social Services Agency's implementation of standardized procedures. Each of the nine Hayward fire stations will be designated as locations for surrendering newborns less than 72 hours old. He noted that this Agency will also provide public education materials and outreach with a public awareness and media campaign in cities that accept the designation. Fire Chief Arfsten noted that there is little fiscal impact to the department and training can be performed as part of the normal fire department training schedule. Each station staffs trained emergency medical personnel who will be responsible for providing medical intervention and arrange for immediate transfer to the appropriate hospital. He responded to questions related to the signage that will be posted, what procedures are implemented when the guardian desires to be anonymous and whether there is criminal prosecution. The Council's primary concern was the focus on the child's health and welfare and thanked the Alameda County Board of Supervisors as well as Fire Chief Arfsten for implementing this program in Hayward.



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As there were no requests to speak, Mayor Cooper opened and closed the public opportunity for speaking at 8:36 p.m.

Mayor Cooper expressed her support for this program.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 05-006, "Resolution Authorizing the City of Hayward to Participate in the Safe Haven Program for Newborns"

4. Mobilehome Space Rent Stabilization Ordinance Amendment Regarding Trust Provisions

Staff report submitted by Deputy City Attorney Cambra, dated February 8, 2005, was filed.

City Attorney O'Toole briefly reviewed the staff report, noting the recent work session. He described how the Ordinance was amended in the early 1990's to require that rent increases be placed into trust accounts beginning on the 91st day after notification by the park owner. The increases would remain in trust during the arbitration process. Earlier this year the representatives of the Hayward Mobile Homeowners' Association (HMOA) noted the hardships to senior citizens when this occurs and is held until the actual amount of increase is determined. HMOA representatives felt that the City's trust provisions could be used by a park owner to attempt to evict someone while the appropriateness of the increase was still being determined. In response, staff is recommending an anti-eviction provision be added that would prohibit any action taken against a tenant on the basis of their failure to pay the disputed amount of rent during the time a mobile rent stabilization petition is pending. The amendment to the ordinance also removes the trust provision as directed at the Council's work session held on February 1st.

Mayor Cooper opened the public hearing at 8:41 p.m.

Kathy Morris, President of the Hayward Mobilehome Owners Association, announced that the HMOA membership voted unanimously to recommend the removal of the 'trust' mechanism from the City of Hayward Mobilehome Rent Stabilization Ordinance. She spoke about the recent rent increase imposed on residents in the Eden Gardens Mobilehome Park. She commented that increases are up to 62% for some individuals and described how many of the residents are on limited and fixed incomes and such increases impose a significant financial burden on them. In response to Council Member Jimenez's question, she reported that when the proposed rent increase is placed in the "trust," it seems more of a "take" by the park owner when monies are placed in the name of the park owner. She thanked the Council and City Staff.

Bob Billmire, Chair of the Amendments Group of the HMOA, reiterated the concerns.

Pati Patrick, representing Continental Mobilehome Park, thanked Council for the much needed support and in particular Council Member Ward for his recommendation to change the zoning designation of mobile home parks.

Mayor Cooper closed the public hearing at 8:51 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Introduce Ordinance 05-__, “An Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobile home Space Rent Stabilization Ordinance”

Mayor Cooper called for a three minute recess and reconvened at 9:00 p.m.

5. Hayward Executive Airport Arrival and Departure Study: Authorization for the City Manager to Execute a Professional Services Agreement with Coffman and Associates

Staff report submitted by Airport Manager Brent Shiner, dated February 8, 2005, was filed.

Public Works Director Butler made the recommendation to utilize Coffman and Associates to complete a study on helicopter arrival and departure procedures in order to minimize noise impacts over residential neighborhoods. He reported that the consultant would prepare the study in conjunction with the working group and would consist of ten individuals that include four neighborhood representatives, four helicopter operators, one FAA representative and one City Airport staff representative. He described the recruiting process and indicated that if more than four applications are received, the Council Airport Committee will need to conduct interviews. He reported that two public information meetings will be held. The result of this process will be a Letter of Agreement between the FAA, City and the helicopter operators that outlines the procedures for arrival and departure. He also commented on the consultant’s qualifications and the recommendation of the Council’s Airport Committee. He responded to Council inquiries.

Council Member Henson reiterated the Council’s Airport Committee’s recommendation.

Council Member Ward commented on the number of helicopters that arrive at the Hayward Airport that involve traffic watch helicopters as well as the base for the East Bay Regional Park District helicopter. He suggested a cap be established on the number of helicopter arrivals.

Public Works Director Butler indicated that this was not a part of the proposal’s scope of work.



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In response to Council Member Dowling's questions, Public Works Director Butler responded that there is no extra staff to undertake this type of study. He indicated that an outside consultant brings expertise and an objective perspective. The \$55,000 fees will be taken from the Airport Enterprise Fund. He felt that radio traffic reporters provide valuable information to the daily commute.

City Manager Armas reported that using an outside firm may provide additional input and information to assist in determining flight patterns and approaches to the airport that are acceptable to FAA.

Council Member Halliday noted that community input from unincorporated area neighborhoods could be obtained at the community meeting. She was concerned with comments made by an earlier speaker and asked for staff response.

Director of Public Works Butler stated that air traffic approaching Oakland Airport must be at a minimum of 1,000 feet over the Hayward Executive Airport. Helicopters must stay under that altitude to avoid that traffic. If the suggestion to shift the approach to Oakland is considered, it would not lower their altitude and should not conflict with this study.

As there were no requests to speak, Mayor Cooper opened and closed the opportunity for public input at 9:15 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 05-007, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement between the City of Hayward and Coffman and Associates to Conduct a Helicopter Arrival and Departure Study"

COUNCIL REPORTS

Council Member Henson reported that he was on a conference call as a committee member of the National League of Cities and was informed by Mayor Williams of Washington, D.C., of President Bush's intended drastic cuts in grants for drug-free school programs, educational programs, such as Upward Bound, technology, police programs and perhaps CDBG funding. He felt that this was alarming and rather serious.

ADJOURNMENT

DRAFT

Mayor Cooper adjourned the meeting at 9:18 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward